

Senators to craft an alternative to the "nuclear option"—the partisan and political attempt to force a change in the rules of the Senate to end filibusters against judicial nominations.

The nuclear option is a temporary political fix to a very serious and ongoing problem: The Senate's failure to confirm more than 60 nominations during the last administration and the filibustering of ten of President Bush's nominations. To address this problem, I would prefer a permanent rules change to the Senate over a temporary procedural maneuver like the nuclear option that can be reversed if the White House or the Congress changes hands.

The Senate was designed by our Founding Fathers to act as a counter balance to the House of Representatives which represented States based on population. The Senate was the chamber where each State would have equal representation, two Senators and two votes. The intent was to prevent the power in Congress from becoming concentrated in large population States like New York, California, Florida and Texas. In the Senate, a Senator from Nebraska has the same power as a Senator from any other State.

As a former Governor and a firm believer in the power of the executive branch to appoint Cabinet members, judges and other officials, I do not support filibustering nominations. In fact, as Nebraska's Senator, I have voted against filibustering judicial appointments in every case but one where I was denied access to background information on the nominee. However, I also do not think the nuclear option is the solution to the impasse over judicial nominations.

We have built consensus behind a plan whereby seven Republican Senators pledge to vote against the nuclear option in exchange for an agreement from seven Democrats to allow most of the stalled nominations to get up-or-down votes as well as a pledge to not support filibusters of future nominations except in extraordinary circumstances.

Our compromise would be constructed completely within the existing rules of the Senate; it would prevent the nuclear option and the expected fallout of bringing all Senate business, including the energy bill and other important legislation, to a halt; and would preserve the rights of the Senate minority not only for this Congress but for future Congresses regardless of who is in the majority. Protecting the Senate's minority rights might seem to go against the concept of democracy and majority rule. In reality and without the spin on this issue that the special interest groups from both extremes put on this matter, the Senate's minority rights are part of the system of checks and balances that keep any branch of government from dominating the others.

The minority rights aren't always about party politics either. Many fili-

busters throughout history were conducted by Senators who disagreed with the president or the majority of Senators. Filibusters also give small States such as Nebraska an important tool to protect itself from the will of the larger States.

The debate over these judges has consumed the Senate and all of Washington. When I am in Nebraska most folks do not ask me about the judicial nomination process. Nebraskans tell me they want an energy bill that will boost ethanol production and reduce our dependence on foreign oil. Nebraskans are concerned about the President's plan to divert Social Security funds to private accounts and a myriad of other important legislative priorities.

Those who do mention judges and nominations express concern about where the Senate seemed to be headed. Many expressed to me the desire to stop the bickering and get on with the Senate's business. Others offered encouraging words in support of the compromise effort and those comments made me feel that Nebraskans were appreciative of our efforts.

The business, that we as Senators are tasked with carrying out for the American people would cease in the Senate if the majority leader follows through on his threats to employ the nuclear option. Nebraskans waiting for the energy bill, a Federal budget, asbestos litigation reform and even confirmation of future judicial nominations are the ones who will suffer if the nuclear option is detonated.

With our compromise everybody wins. Those seeking to protect minority rights win. Those seeking to confirm judicial nominations win. Small States win.

We accomplished this by working together with common purpose and shared concern for the future of this body. I am proud of what we have accomplished and I will treasure the new friends I made in the process. I thank you, all of you, for working with me, for trusting me, and for joining me in this great challenge.

I would like to include all the names of the signatories on the memorandum of understanding as part of my statement. These brave senators are: Senator JOHN MCCAIN, Senator JOHN WARNER, Senator ROBERT BYRD, Senator MARY LANDRIEU, Senator OLYMPIA SNOWE, Senator KEN SALAZAR, Senator MIKE DEWINE, Senator SUSAN COLLINS, Senator MARK PRYOR, Senator LINCOLN CHAFEE, Senator LINDSEY GRAHAM, Senator JOSEPH LIEBERMAN, and Senator DANIEL INOUE.

MEMORIAL DAY 2005

Mr. DOMENICI. Mr. President, I would like to pay tribute to those men and women of the U.S. armed services, who have given their lives to defend our Nation and the ideals it represents.

Since the birth of our Nation 229 years ago, millions of Americans have

answered the call to serve. They left behind the comfort of home, family and friends, to protect the American way of life and insure that our country would remain free and a land of opportunity for all. On this day I would like to remember those whom did not return.

On this Memorial Day, I am put in mind of the 200th and 515th Costal Artillery units of the New Mexico National Guard, better known as the New Mexico Brigade. The New Mexico Brigade played a prominent and heroic role in the fierce fighting in the Philippines, during those first dark days of the Second World War. For 4 months the men of the 200th and 515th helped hold off the Japanese only to be defeated by disease, starvation and a lack of ammunition.

Tragically the survivors of the Battle of Bataan from the New Mexico Brigade were subjected to the horrors and atrocities of the 65 mile "Death March" and to years of hardship and forced labor in Japanese prisoner of war camps. Sadly, of the 1800 men of the New Mexico Brigade more than 900 lost their lives in that far off place. This day belongs to them and all other Americans such as them.

I believe it is especially important not to forget; the men and women of America's Armed Forces have given their lives not only in defense of our Nation, but to preserve the freedom of others around the globe. This is almost unquiet in human history, and no praise can be too great for those individuals.

Today I would like to make special mention of those New Mexicans who have given their lives in Operation Iraq Freedom and the global war on terror. I ask that New Mexicans on Memorial Day think of them and their families and give thanks that we are blessed with such heroic men and women.

We must never forget the sacrifices of our soldiers, sailors, airmen, and marines. I encourage New Mexican's and all Americans on Memorial Day to take a moment to remember and honor the brave men and women whom have fallen in our defense. At this moment in America's history, our men and women in uniform are again furthering the cause of freedom around the world and ensuring the safety of the United States of America. They serve with the same courage and commitment shown by Americans of generations past and they deserve our thoughts and prayers on this Memorial Day as well.

49TH FIGHTER WING

Mr. DOMENICI. Mr. President, I would like to recognize the outstanding men and women of the 49th Fighter Wing at Holloman Air Force Base in New Mexico.

The 49th has received a deployment order to the Western Pacific region in support of our national defense objectives.

Around 250 personnel from Holloman, along with approximately 15 F-117A